M 5-5

Sectt. II-27—45,004—21-10-27.

Finance (1928) Department.

(Ecclesiastical)

General SERIES.

(9)

G.O. No. 21

DATED 27-3-1928

[Despatch Abstract.]

Indian Christian Marriage Act, 1872.-

Marriages between foreigners - Solemnized by a licensed [illegible] - Validity - Certain doubts raised by the Marriage [illegible] - Removed.

Office of the Registrar of Marriages,
Mangalore,
South Kanara, Dated the 10th. Feb. 1928.

From

S. E. Aiman, Esq.,
Registrar of Marriages,
Balmata, Mangalore.

ASST. SECY. TO GOVT.
13 FEB. 1928
CHIEF SECT.

5329 Ecc

To

The Chief Secretary,
Government of Madras,
Fort St. George,
Madras.

Sir,

I have the honour to bring to your notice the following incident relating to a marriage solemnized yesterday by Rev. A. Schosser, a Missionary of the Basel Evangelical Mission, Balmata, Mangalore, under the following circumstances and solicit instructions.

2. One Mr. G. Segesser, a Swiss by nationality residing in Balmata, Mangalore, a Protestant Christian occupying the position of Attorney to the Mission Trust of Southern India, gave me notice in my capacity as Registrar of Marriages on 24th. January 1928 of his intended marriage with one Miss Volga Hengaertner also of Swiss nationality who was on her way to India on the date of the notice.

3. I accepted the notice treating it as one falling under Foreign Marriage Act (Act XIV of 1903) and demanded the necessary declaration from him. I had in the meantime entered the notice duly in my register and put it on my board.

4. On the 5th. instant the said Mr. Segessor addressed me a letter which I enclose for your perusal in original, and said for reasons stated therein he cancelled the notice issued to me.

5. Act XIV of 1903 (I do not know if it has been ~~xxxxx~~ amended since) lays down that marriages between foreigners can be solemnized only by

(1) Marriage Registrars appointed under the Indian Christian Marriage Act 1872 if the parties are Christian,
(2) District Magistrate, Chief Presidency Magistrate

or Political Agent, if the parties are not Christian,

(1) and whether a minister of the Church licensed under the Indian Christian Marriage Act is a Marriage Registrar within the meaning of the term as contemplated in the Act XIV of 1903 is a matter ~~for~~ on which I desire enlightenment for my guidance.

6. I would also like to be enlightened as to whether the

(2) cancellation of the notice issued to me by Mr. Segesser under the circumstances was in order. The couple were united in wedding on the 9th. instant by Rev. A. Schosser, who is a linensed minister under the Indian Christian Marriage Act of XV 1872.

7. I should like to know something definitely regarding my

(3) status as Marriage Registrar and the party's powers in cancelling notices issued to and accepted by me.

I have the honour to be,

Sir,

Your most obedient servant,

Enc: one

S Chinnan

Registrar of marriages.

South Canara

Copy of Page 3 of 3

From G. Segesser,

Attorney to

The Mission Trust of Southern India.

Mangalore, 5th February 1928.

Mr. S. E. Aimann,

Mangalore.

I thank you for your letter of the 4th instant and beg to inform you that Rev. A. Schosser has received in the meantime the licence for solemnising marriages and so he will do all what is necessary for our marriage.

I request you therefore to cancel my former communications about my marriage.

Thanking you for your trouble you have taken.

Section 6

I am, yours sincerely,

Sd. ..

(COPY)

4

Finance (Eccl) Dept.

Endt. No. 5329 Eccl-1817.2.28

Certain doubts regarding the marriage of one Mr. G. Segesser, solemnised in Mangalore – Letter dt 10.2.28 from the Registrar of Marriages Mangalore.

Referred to the Registrar General of Births, Deaths and Marriages for remarks.

Ons 15.2.28

Fmy 16.2.28

PVP 16.2.28

Dpd. by Vam
with mul. Dis. Jr.
Dpr's. initials
Date 17.2.28

To

The Registrar General of Births, Deaths and Marriages
(with C.F.)

Reminded on 20.3.28

Note: It is usual to refer to the Regr. General for advice questions connected with the interpretation of the D.C.M. Act – vide page 8 of Go 44 Fin (Eccl) dt 9.6.27

Ons 15.2.28

PVP 16.2.28

C.F

Ed 16/2 10/2/28

Ed 17/2

5

C.F. 30—10,000—7-8-26.

FINANCE (ECCLESIASTICAL) DEPARTMENT.

Received 20 MAR 28 192 . *Registered* 10421 Eccl 192

Subject

Notice of Marriage given to Marriage

Registrar -- Cancellation -- Validity.

FINANCE SECRETARY GOVERNMENT OF MADRAS
20 MAR 28

ENCLOSURES.
No. Two.
(also, originals returned).
Spare Copy. Nil.

No. 12.

Station Madras , *Dated the* 11th March 1928.

From (Name) E.H.M. Bower Esq., B.A., LL.B. (Lond.),

(Designation) Registrar-General of Births, Deaths and Marriages, Madras.

To The Secretary to the Government of Madras,

Finance (Ecclesiastical) Department.

Sir,

Page 4 ante

Ref.- Endorsement No.5329 Eccl.-1 dated 17th Febry. 1928.

M.R.Ry. S.E. Aiman Avl., is a Marriage Registrar appointed under Section 7 of the Indian-Christian Marriage Act, 1872 (G.O. 39 Mis., Ecclesiastical, dated 1st June 1926). The queries contained in paras 5 to 7 of his letter dated 10th February 1928 are answered in the annexed note.

Not put up.

I have the honour to be,
Sir,
Your most obedient servant,

For REGISTRAR-GENERAL.

A.D.

Annexure

6/ -f- Encl. I

ANNEXURE.

QUESTIONS.	ANSWERS.
(1) Whether a minister of the Church licensed under the Indian Christian Marriage Act is a Marriage Registrar within the meaning of the term as contemplated in the Act XIV of 1903.	No.
(2) Whether the cancellation of the notice issued to me by Mr. Segesser under the circumstances was in order.	The parties have the right to withdraw or cancel a notice before the marriage is solemnised, and it will suffic if the fact of cancellation quoting reference to the party's letter is noted in the original notice and in the true copy entered in the marriage notice book, kept by the marriage registrar.
(3) What is his status as Marriage Registrar.	The Foreign Marriage Act, 1892, (55 and 56 Vict C.23) relates to the marriage of British Subjects outside the United Kingdom and from Section 1 of the Act (extract enclosed) it would appear that the Act has reference to marriages solemnised in any foreign country or place between parties of whom one at least is a British Subject and the marriage was to be solemnised in British India. In this case neither party is a British Subject. With reference to Sections 4 and 5 of the Indian Christian Marriage Act, 1872, the solemnisation of the marriage by the Rev. A. Schosser, a minister of religion licensed under Section 6 of the Act was not objectionable.

2. It may also be pointed out that the Indian Foreign Marriage Act, 1903, authorises the Marriage Registrar appointed under Act XV of 1872 "only to receive and publish" notices of marriage intended to be solemnised under the Foreign Marriage Act, 1892 (55 & 56 Vict. C.23).

ENCLOSURE II

THE FOREIGN MARRIAGE ACT, 1892.

(55 & 56 Vict. c. 23).

An Act to consolidate Enactments relating to the Marriage of British Subjects outside the United Kingdom.

27th June 1892.

* * * * *

1. All marriages between parties of whom one at least is a British subject solemnized in the manner in this Act provided in any foreign country or place by or before a marriage officer within the meaning of this Act shall be as valid in law as if the same had been solemnized in the United Kingdom with a due observance of all forms required by law.

* * * * *

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A.D.

8

Scott. II-5 (a)—38,004—26-10-27. (6)

Fin (Ecel) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..	7/3	
When examined ..		
When signed ..	7/3	
When despatched ..		

8/7/3

Indian Christian Marriage Act, 1872 — Marriages between foreigners — Solemnized by a licensed minister — Validity — Certain doubts raised by the Marriage Registrar, S. Kanara — Answered.

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ..... " ..... 192 .

READ ALSO :—

I

C. No. 5329 From the Marriage Registrar, S. Kanara, No. —, dated 10 · 2 · 1928.

II

" " ..... " Endt. to the Registrar General of Births, Deaths & Marriages 5329-I " 17 · 2 · 1928.

III

" " 10421 " From the Reg.r General of Births, Deaths & Marriages 12 " 11 · 3 · 1928.

ORDER.

Misc.

No. 21, dated 21 · 3 · 1928.

A copy of letter from the Registrar General of Births, Deaths and Marriages last read above together with its annexure is communicated to the Marriage Registrar, South Kanara.

PVP
26.3.28

26.3.28

To

S. E. Aiman Esq.
Marriage Registrar,
Balmata, Mangalore
(with page 3 c/f in original and copy of pages 5-7 c/f.)

Copy to the Reg.r General of Births, Deaths & Marriages (g.o.)

P.I. by Ve / Pe / Mess

... with initials.

28 · 3 · 1928.